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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,404	12/04/2003	Ola Bostrom	AFK 26729-US	7704
30996	7590	04/11/2006	EXAMINER	
ROBERT W. BECKER & ASSOCIATES			MCCREARY, LEONARD	
707 HIGHWAY 66 EAST			ART UNIT	
SUITE B			PAPER NUMBER	
TIJERAS, NM 87059			3616	

DATE MAILED: 04/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/727,404		BOSTROM ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Leonard J. McCreary, Jr.		3616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 20 March 2006.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1 and 5-12 is/are pending in the application.

4a) Of the above claim(s) 7 and 10-13 is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1, 5, 8 and 9 is/are rejected.

7) ☒ Claim(s) 6 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All    b) ☐ Some \* c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4 Dec 2003</u> .	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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## **DETAILED ACTION**

### ***Election/Restrictions***

This application contains claims directed to the following patentably distinct species: Species I (Fig. 3), Species II (Fig. 4), and Species III (Figs. 5-7.) The species are independent or distinct because there is no generic claim.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, 1 is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

During a telephone conversation with Mary Ann Copas on 20 March 2006 a provisional election was made without traverse to prosecute the invention of Species II,

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claims 1, 5-6, and 8-9. Applicant affirmed this election by submitting a preliminary amendment on 20 March 2006. Claim 7, and 10-12 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. With regards to claims 10-12, the examiner notes that the claims are specific to Species III.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, and 8-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 3,623,768 to Capener in view of U.S. 5,123,673 to Tame.

Capener discloses a vehicular safety seat comprising the following:

a. A support device 15 located in the respective region of the seat back 12 turned toward the inboard side of the vehicle seat, the support device extending in the direction of the vehicle's forward travel so as provide lateral support to the upper torso of the seat occupant (column 2, lines 68-72,) wherein the support device is configured as a frame which is mounted on the seat back laterally thereof, and wherein the support device is movable between a non-deployed position (Fig. 1) and a deployed support position (Fig. 2,) the support device

assuming its deployed support position in the event of a detected impact against the vehicle (column 2, lines 52-73) (claim 1.)

b. The support device 15 is configured as a frame that, in its non-deployed position, assumes a rearward position with respect to the seat back and, in the event of an impact, is displaceable forwardly via a displacement movement into its deployed support position (Figs. 1 and 2) (claim 5.)

c. The support device 15 is configured to yield (column 3, lines 34-45) (claim 8.)

d. The support device 15 includes a bracket 53 that secures the support device to the seat back 12 of the vehicle seat and the bracket is configured to yield (column 3, lines 34-45) (claim 9.)

3. Capener further discloses that the safety seat may be used in conjunction with conventional seatbelts (column 2, lines 19-27,) though he does not specify belt configurations. Tame discloses a seat belt system for a vehicle seat comprising the following:

e. A three-point safety belt having one extent forming a shoulder belt 34 that extends from the outboard side of the vehicle seat to restrain one shoulder of the seat occupant and another extent forming a lap belt 36 which extends across the abdomen of the seat occupant; a two-point safety belt 44 extending from the inboard side of the vehicle seat past the respective shoulder of the seat occupant not restrained by the three-point safety belt and thereafter crossing the shoulder belt of the three-point safety belt.

4. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the vehicular safety seat of Capener to include the three- and two-point belts as taught by Tame so as to increase the level of protection to an occupant in the event of a severe vehicular accident.

***Allowable Subject Matter***

5. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

7. U.S. 5,913,536 to Brown discloses an airbag module comprising a lower side airbag and an upper side airbag that is deployed first upwardly along a track.

8. U.S. 4,359,200 to Brevard et al. discloses a limb retention system for an aircraft ejection seat comprising dual lateral support members to prevent lateral rotation from the seat with integrated belt guides.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard J. McCreary, Jr. whose telephone number is 571-272-8766. The examiner can normally be reached on 0700-1700 M-F.

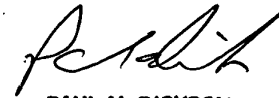
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leonard J. McCreary, Jr.  
Examiner  
Art Unit 3616

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PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

4/3/06